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OFFICE OF PETITIONS

Applicant: Muir et al.
Appl. No.: 10/063,999
Filing Date: June 3, 2002
Title: PACKAGE WITH ATTACHED RESEALABLE COVER AND METHOD OF MAKING SAME
Attorney Docket No.: 70368-84
Pub. No.: US 2002/0182359 A1
Pub. Date: December 5, 2002

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on February 5, 2003 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in the filing date of the provisional application on the front page of the publication in the "Related U.S. Application Data" section.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹ The instant request does not identify a material mistake in the publication made by the Office:

The error in the continuity claim is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The improper priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The specification and claims were accurately published, thus one can read and understand the content of the application. The error also does not affect the use of the patent application publication as a prior art reference, because the benefit claim is correctly published in the first sentence of the specification.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

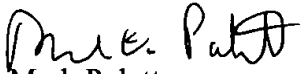
The application is being forwarded to Technology Center 1700 to await further examination in due course.

Any request for reconsideration of this decision, should be addressed as follows:

By mail to: Box PGPUB
 Commissioner for Patents
 Washington DC 20231

By facsimile: 703-305-8568

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).


Mark Polutta
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